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SENATE BILL 967

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GLORIA HOWES

AN ACT

RELATING TO THE LOCAL GOVERNMENTS ROAD FUND; MAKING A
DISTRIBUTION OF SPECIAL FUEL EXCISE TAX REVENUES TO THE SCHOOL
BUS ROUTE PROGRAM IN THE LOCAL GOVERNMENTS ROAD FUND; AMENDING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.39 NMSA 1978 (being Laws 1995,
Chapter 6, Section 9) is amended to read:

"7-1-6.39. [~~DISTRIBUTION~~] DISTRIBUTIONS OF SPECIAL FUEL
EXCISE TAX TO LOCAL GOVERNMENTS ROAD FUND. --

A. A distribution pursuant to Section 7-1-6.1 NMSA
1978 shall be made to the local governments road fund in an
amount equal to eleven and eleven hundredths percent of the net
receipts attributable to the taxes, exclusive of penalties and
interest, from the special fuel excise tax imposed by the

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1 Special Fuels Supplier Tax Act.

2 B. A distribution pursuant to Section 7-1-6.1 NMSA
3 1978 shall be made to the school bus route program in the local
4 governments road fund in an amount equal to three percent of the
5 net receipts attributable to the taxes, exclusive of penalties
6 and interest, from the special fuel excise tax imposed by the
7 Special Fuels Supplier Tax Act."

8 Section 2. Section 67-3-28.2 NMSA 1978 (being Laws 1986,
9 Chapter 20, Section 125, as amended) is amended to read:

10 "67-3-28.2. LOCAL GOVERNMENTS ROAD FUND CREATED--USES.--

11 A. There is created in the state treasury the "local
12 governments road fund" to be administered by the department.
13 All income received from investment of the fund shall be
14 credited to the fund. No money in the fund shall be used by the
15 department to administer any program, and no entity receiving a
16 distribution pursuant to a program requiring matching funds
17 shall use another distribution made pursuant to this section to
18 meet the match required.

19 B. No more than five hundred thousand dollars
20 (\$500,000) annually from the local governments road fund shall
21 be used by the department to purchase at fair market value, for
22 municipalities and counties that can demonstrate financial
23 hardship as determined by the department, automotive, major road
24 and miscellaneous equipment that would otherwise be sold at
25 auction by the department as unusable for department purposes.

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1 The department shall adopt rules setting the procedure to carry
2 out the purposes of this subsection.

3 C. Except for the amount in Subsection B of this
4 section, money in the local governments road fund shall be
5 distributed in the following amounts for the specified purposes:

6 (1) forty-two percent for the cooperative
7 agreements program, to be used solely for the cooperative
8 agreements entered into pursuant to Section 67-3-28 NMSA 1978
9 and in accordance with the match authorized pursuant to Section
10 67-3-32 NMSA 1978; provided, however, that distribution amounts
11 made pursuant to this paragraph in each year shall be based on
12 the following allocations:

13 (a) thirty-three percent for agreements
14 entered into with counties;

15 (b) forty-nine percent for agreements
16 entered into with municipalities;

17 (c) fourteen percent for agreements
18 entered into with school districts; and

19 (d) four percent for agreements entered
20 into with other entities;

21 (2) sixteen percent for the municipal arterial
22 program, to be used solely for the necessary project
23 development, construction, reconstruction, improvement,
24 maintenance, repair and right-of-way and material acquisition of
25 and for those streets that are principal extensions of rural

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1 state highways and of other streets not on the state highway
2 system but that qualify under the designated criteria
3 established by the department. In entering into agreements with
4 municipalities to provide funds for any project qualifying for
5 the municipal arterial program, the department shall give
6 preference to municipalities that contribute an amount equal to
7 at least twenty-five percent of the project cost;

8 (3) sixteen percent for school bus routes, to
9 be used solely for cooperative agreements entered into pursuant
10 to Section 67-3-28 NMSA 1978 [~~and in accordance with the match~~
11 ~~authorized pursuant to Section 67-3-32 NMSA 1978~~] for acquiring
12 rights of way and constructing, maintaining, repairing,
13 improving and paving school bus routes and public school parking
14 lots; and

15 (4) twenty-six percent for the county arterial
16 program, to be used for project development, construction,
17 reconstruction, improvement, maintenance, repair and right-of-
18 way and material acquisition of and for county roads for which
19 individual counties have prioritized road projects. Prior to
20 entering into any agreements for projects with the counties for
21 the following fiscal year, in June of each year the department
22 shall determine and certify the amount to which each county is
23 entitled pursuant to the following schedule:

24 Road Mileage Category Based on
25 Number of Miles Maintained

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1	By a County:	Entitlement to County:
2	400 miles or under	\$250 for each mile
3	401 to 800 miles	\$100,000 plus \$200 for each
4		mile over 400 miles
5	801 to 1,200 miles	\$180,000 plus \$150 for each
6		mile over 800 miles
7	1,201 to 1,600 miles	\$240,000 plus \$100 for each
8		mile over 1,200 miles
9	Over 1,600 miles	\$300,000 plus \$50 for each
10		mile over 1,600 miles.

11 If in any year there is an insufficient amount in the fund
12 of the county arterial program to certify the total amount to
13 which all counties are entitled, the department shall decrease
14 the entitlement amount due to each county in the same proportion
15 as the insufficiency is to the total entitlements to all
16 counties. Distribution of an entitlement amount and an
17 agreement entered into with a county for any of the purposes for
18 which the money may be spent requires an amount from the county
19 equal to at least twenty-five percent of the entitlement. Any
20 uncommitted or unencumbered balance remaining in the county
21 arterial program fund at the end of a fiscal year shall be
22 transferred to the cooperative [~~agreement~~] agreements program
23 specified in Paragraph (1) of this subsection for additional
24 funding of that program in the next fiscal year.

25 D. The department may transfer funds from the state

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1 road fund to the local governments road fund to facilitate cash
2 flow for the funding of these local governments road projects.
3 The administrator of the local governments road fund shall
4 reimburse the state road fund in a timely manner for any such
5 transfers. "

6 Section 3. EFFECTIVE DATE. --The effective date of the
7 provisions of this act is July 1, 1997.

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

SB 967/a

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6 March 5, 1997

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8 Mr. President:

9
10 Your WAYS AND MEANS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 967

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17
18
19 1. On page 1, line 21, strike the underscored "A" and the
20 period.

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22 2. On page 2, lines 2 through 7, strike Subsection B in its
23 entirety.,

24
25 and thence referred to the FINANCE COMMITTEE.

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Respectfully submitted,

Carlos R. Cisneros, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Duran, McSorley, Nava

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 967, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against
Yes: 6
No: None
Excused: Carraro, Eisenstadt, Lyons, McKibben, Smith
Absent: None

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